

**UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW HAMPSHIRE**

United States of America

v.

Criminal No. 08-cr-49-01-PB

Michael Cecchetti

**ORDER OF DETENTION PENDING SENTENCING**

In accordance with Section 3143 (2) of the Bail Reform Act, 18 U.S.C. §§ 3141 et seq., a judicial officer shall order that a person who has been found guilty of an offense in a case described in subparagraph (C) of subsection (f)(1) of section 3142 and is awaiting imposition of sentence or execution of sentence be detained unless

(A)(i). . .

(B) the judicial officer finds by clear and convincing evidence that the person is not likely to flee or pose a danger to any other person or the community. Sentencing is set for April 28, 2009.

Here, I find that the defendant Michael Cecchetti has failed to produce sufficient evidence or information for me to find by clear and convincing evidence that he is not likely to pose a danger to any other person or the community. Pending

sentencing, it is clear that the defendant violated the special condition of release of refraining from excessive use of alcohol. The latest information provided reveals his excessive drinking as of March 27, 2009 leading to local charges for simple assault, a misdemeanor, involving his wife. Notwithstanding the detailed proffer made by the defense during today's hearing, this last episode, together with other episodes related in the report of the U.S. Probation Officer, lead me to conclude that the defendant has not shown by clear and convincing evidence that he is not likely to pose a danger to any other person or the community. Therefore, upon full consideration of the arguments offered by the government and defense, I find that Michael Cecchetti poses a danger to another person and the community.

Accordingly, it is **ORDERED** that the defendant be detained pending sentencing.

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the

corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

**SO ORDERED.**

  
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Justo Arenas  
United States Magistrate Judge

Date: April 3, 2009

cc: Jon Saxe, Esq.  
Clyde Garrigan, Esq.  
U.S. Marshal  
U.S. Probation